

ESTTA Tracking number: **ESTTA634002**Filing date: **10/20/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212477
Party	Defendant GFA Brands, Inc.
Correspondence Address	JOHANNA M WILBERT QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040 MILWAUKEE, WI 53202-4497 UNITED STATES tm-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, andrea.fowler@quarles.com
Submission	Defendant's Notice of Reliance
Filer's Name	Johanna M. Wilbert
Filer's e-mail	johanna.wilbert@quarles.com, deena.rafinski@quarles.com
Signature	/Johanna M. Wilbert/
Date	10/20/2014
Attachments	GFA's 5th Notice of Reliance.pdf(13250 bytes) Ex E-1 - 3d Party Reg No 3038361 CARB BALANCE.pdf(232267 bytes) Ex E-2 - 3d Party Reg No 3345420 EPA-DHA BALANCE.pdf(243986 bytes) Ex E-3 - 3d Party Reg No 2468897 MINERAL BALANCE.pdf(239861 bytes) Ex E-4 - 3d Party Reg No 2507231 ZINC BALANCE.pdf(229951 bytes) Ex E-5 - 3d Party Reg No 2615417 OMEGA BALANCE.pdf(239638 bytes) Ex E-6 - 3d Party Reg No 2578776 BIFIDUS BALANCE.pdf(239854 bytes) Ex E-7 - 3d Party Reg No 2445383 GLYCEMIC BALANCE.pdf(240329 bytes) Ex E-8 - 3d Party Reg No 3403538 SALT BALANCE.pdf(242325 bytes) Ex E-9 - 3d Party Reg No 2058099 ESSENTIAL BALANCE.pdf(238441 bytes) Ex E-10 - 3d Party Reg No 2171979 BALANCE.pdf(232851 bytes) Ex E-11 - 3d Party Reg No 3296020 BALANCE.pdf(229652 bytes) Ex E-12 - 3d Party Reg No 3574732 BALANCED NATURALS.pdf(234967 bytes) Ex E-13 - 3d Party Reg No 3925693 CHOLESTEROL BALANCE.pdf(234947 bytes) Ex E-14 - 3d Party Reg No 3167953 EMERALD BALANCE NUTRITIONAL SUPPORT.pdf(248574 bytes) Ex E-15 - 3d Party Reg No 3849379 HEALTHY BALANCE.pdf(255722 bytes) Ex E-16 - 3d Party Reg No 3833070 SIMPLY BALANCED.pdf(241646 bytes) Ex E-17 - 3d Party Reg No 3865915 SIMPLY BALANCED.pdf(241663 bytes) Ex E-18 - 3d Party Reg No 4023084 SIMPLY BALANCED.pdf(234847 bytes) Ex E-19 - 3d Party Reg No 4115211 SIMPLY BALANCED.pdf(240762 bytes) Ex E-20 - 3d Party Reg No 4175696 SLIM BALANCE.pdf(235474 bytes) Ex E-21 - 3d Party Reg No 3823699 THYRO-BALANCE.pdf(245487 bytes) Ex E-22 - 3d Party Reg No 4434063 BALANCE 74.pdf(250076 bytes) Ex E-23 - 3d Party Reg No 4356355 BALANCED WOMAN.pdf(239770 bytes) Ex E-24 - 3d Party Reg No 4090745 BALANCE FACTOR.pdf(246380 bytes) Ex E-25 - 3d Party Reg No 4090736 BALANCE FACTOR.pdf(253984 bytes) Ex E-26 - 3d Party Reg No 3559685 BALANCE.pdf(253746 bytes) Ex E-27 - 3d Party Reg No 2831479 BALANCE3.pdf(234639 bytes) Ex E-28 - 3d Party Reg No 2840590 ESTROBALANCE.pdf(241734 bytes) Ex E-29 - 3d Party Reg No 2082582 COMPLETE, BALANCED NUTRITION.pdf(210370 bytes) Ex E-30 - 3d Party Reg No 1393763 METABALANCE 44.pdf(219801 bytes)

	Ex E-31 - 3d Party Reg No 4427797 METABO BALANCE.pdf(219997 bytes) Ex E-32 - 3d Party Reg No 3904906 SWISS BALANCE.pdf(234043 bytes) Ex E-33 - 3d Party Reg No 2361008 BODY BALANCE.pdf(226857 bytes) Ex E-34 - 3d Party Reg No 2916468 BETTER BALANCE.pdf(231883 bytes)
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**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/751,520: EARTH BALANCE
Published for Opposition March 19, 2013

BALANCE BAR COMPANY,

Opposer,

Opposition No. 91212477

v.

GFA BRANDS, INC.,

Applicant.

APPLICANT'S FIFTH NOTICE OF RELIANCE

Pursuant to Rule 2.122(e) of the Trademark Rules of Practice and Section 704.03(b)(1)(B) of the Trademark Trial and Appeal Board Manual of Procedure, Applicant, GFA Brands, Inc., hereby submits, makes of record in connection with this opposition proceeding, and notifies Opposer, Balance Bar Company, of Applicant's reliance upon the attached printouts of third party registrations of marks containing the term BALANCE, obtained from the USPTO's Trademark Electronic Search System ("TESS") system. These registrations are relevant to the lack of a likelihood of consumer confusion because they show that the field of marks employing the term BALANCE and variations thereof, with similar goods and services, is crowded, such that the common element shared by each member of the crowd is relatively weak and not a particularly distinctive element. True and correct copies of the following TESS records are attached hereto as Exhibits E-1 to E-34:

Exhibit No.:	Description
E-1	Registration No. 3,038,361 for the mark CARB BALANCE
E-2	Registration No. 3,345,420 for the mark EPA-DHA BALANCE

Exhibit No.:	Description
E-3	Registration No. 2,468,897 for the mark MINERAL BALANCE
E-4	Registration No. 2,507,231 for the mark ZINC BALANCE
E-5	Registration No. 2,615,417 for the mark OMEGA BALANCE
E-6	Registration No. 2,578,776 for the mark BIFIDUS BALANCE
E-7	Registration No. 2,445,383 for the mark GLYCEMIC BALANCE
E-8	Registration No. 3,403,538 for the mark SALT BALANCE
E-9	Registration No. 2,058,099 for the mark ESSENTIAL BALANCE
E-10	Registration No. 2,171,979 for the mark BALANCE
E-11	Registration No. 3,296,020 for the mark BALANCE
E-12	Registration No. 3,574,732 for the mark BALANCED NATURALS
E-13	Registration No. 3,925,693 for the mark CHOLESTEROL BALANCE
E-14	Registration No. 3,167,953 for the mark EMERALD BALANCE NUTRITIONAL SUPPORT
E-15	Registration No. 3,849,379 for the mark HEALTHY BALANCE
E-16	Registration No. 3,833,070 for the mark SIMPLY BALANCED
E-17	Registration No. 3,865,915 for the mark SIMPLY BALANCED
E-18	Registration No. 4,023,084 for the mark SIMPLY BALANCED
E-19	Registration No. 4,115,211 for the mark SIMPLY BALANCED
E-20	Registration No. 4,175,696 for the mark SLIM BALANCE
E-21	Registration No. 3,823,699 for the mark THYRO-BALANCE
E-22	Registration No. 4,434,063 for the mark BALANCE 74
E-23	Registration No. 4,356,355 for the mark BALANCED WOMAN
E-24	Registration No. 4,090,745 for the mark BALANCE FACTOR
E-25	Registration No. 4,090,736 for the mark BALANCE FACTOR
E-26	Registration No. 3,559,685 for the mark BALANCE
E-27	Registration No. 2,831,479 for the mark BALANCE3
E-28	Registration No. 2,840,590 for the mark ESTROBALANCE
E-29	Registration No. 2,082,582 for the mark COMPLETE, BALANCED NUTRITION
E-30	Registration No. 1,393,763 for the mark METABALANCE 44
E-31	Registration No. 4,427,797 for the mark METABO BALANCE
E-32	Registration No. 3,904,906 for the mark SWISS BALANCE
E-33	Registration No. 2,361,008 for the mark BODY BALANCE
E-34	Registration No. 2,916,468 for the mark BETTER BALANCE

Dated this 20th day of October, 2014.

/s/ Johanna M. Wilbert

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Attorneys for Applicant GFA Brands, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2014, I served upon counsel of record the foregoing
by causing the same to be delivered by U.S. mail and email to:

R. Glenn Schroeder
Schroeder Law PC
110 Cooper Street #605
Babylon, New York 11702
gschroeder@schroederlawpc.com

Dated this 20th day of October, 2014.

/s/ Johanna M. Wilbert

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EXHIBIT E-1



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Record 1 out of 1[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***CARB BALANCE**

Word Mark	CARB BALANCE
Goods and Services	IC 030. US 046. G & S: tortillas. FIRST USE: 20050401. FIRST USE IN COMMERCE: 20050401
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78349278
Filing Date	January 8, 2004
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	January 11, 2005
Registration Number	3038361
Registration Date	January 3, 2006
Owner	(REGISTRANT) Gruma Corporation CORPORATION NEVADA 1159 Cottonwood Lane, Suite 200 Irving TEXAS 75038
Attorney of Record	John M. Cone
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Carb" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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EPA-DHA BALANCE

Word Mark**EPA-DHA BALANCE****Goods and Services**

IC 005. US 006 018 044 046 051 052. G & S: dietary and nutritional supplements. FIRST USE: 20051014. FIRST USE IN COMMERCE: 20051014

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Trademark Search Facility Classification CodeLETTER-3-OR-MORE EPA-DHA Combination of three or more letters as part of the mark
NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks**Serial Number**

78691923

Filing Date

August 12, 2005

Current Basis

1A

Original Filing Basis

1B

Published for Opposition

December 5, 2006

Registration Number

3345420

Registration Date

November 27, 2007

Owner

(REGISTRANT) Jarrow Formulas, Inc. CORPORATION CALIFORNIA 1824 South Robertson Blvd. Los Angeles CALIFORNIA 900354317

Attorney of Record

Mark D. Giarratana, Esq.

Prior Registrations

2507231;2578776;2615417

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EPA-DHA" APART FROM THE MARK AS SHOWN

Type of Mark

TRADEMARK

Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Record 1 out of 1[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark MINERAL BALANCE

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: DIETARY AND NUTRITIONAL SUPPLEMENTS. FIRST USE: 19880400. FIRST USE IN COMMERCE: 19880400

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75745878

Filing Date July 7, 1999

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 24, 2001

Registration Number **2468897**

Registration Date July 17, 2001

Owner (REGISTRANT) Jarrow Formulas, Inc. CORPORATION CALIFORNIA 1824 South Robertson Blvd. Los Angeles CALIFORNIA 900354317

Attorney of Record Mark D. Giarratana

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MINERAL" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110507.

Renewal 1ST RENEWAL 20110507

Live/Dead Indicator **LIVE**

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ZINC BALANCE

Word Mark ZINC BALANCE

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Dietary and nutritional supplements. FIRST USE: 19921101. FIRST USE IN COMMERCE: 19921101

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78036889

Filing Date November 28, 2000

Current Basis 1A

Original Filing Basis 1A

Published for Opposition August 21, 2001

Registration Number **2507231**

Registration Date November 13, 2001

Owner (REGISTRANT) Jarrow Formulas, Inc. CORPORATION CALIFORNIA 1824 South Robertson Blvd. Los Angeles CALIFORNIA 900354317

Attorney of Record Mark D. Giarratana, Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ZINC" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110726.

Renewal 1ST RENEWAL 20110726

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Record 1 out of 1[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark OMEGA BALANCE

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Dietary and nutritional supplements. FIRST USE: 19921000. FIRST USE IN COMMERCE: 19921000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78042999

Filing Date January 12, 2001

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 11, 2002

Registration Number **2615417**

Registration Date September 3, 2002

Owner (REGISTRANT) Jarrow Formulas, Inc. CORPORATION CALIFORNIA 1824 South Robertson Blvd. Los Angeles CALIFORNIA 900354317

Attorney of Record Mark D. Giarratana

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OMEGA" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120918.

Renewal 1ST RENEWAL 20120918

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Record 1 out of 1[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark BIFIDUS BALANCE

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Dietary and nutritional supplements. FIRST USE: 19921201. FIRST USE IN COMMERCE: 19921201

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78036887

Filing Date November 28, 2000

Current Basis 1A

Original Filing Basis 1A

Published for Opposition March 19, 2002

Registration Number **2578776**

Registration Date June 11, 2002

Owner (REGISTRANT) Jarrow Formulas, Inc. CORPORATION CALIFORNIA 1824 South Robertson Blvd. Los Angeles CALIFORNIA 900354317

Attorney of Record Mark D. Giarratana

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BIFIDUS" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120503.

Renewal 1ST RENEWAL 20120503

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Word Mark	GLYCEMIC BALANCE
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: nutritional drink mix powders for use as snack and meal replacements. FIRST USE: 19970115. FIRST USE IN COMMERCE: 19970115
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75253243
Filing Date	March 7, 1997
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 13, 1999
Registration Number	2445383
Registration Date	April 24, 2001
Owner	(REGISTRANT) JARROW FORMULAS, INC. CORPORATION CALIFORNIA 1824 S. Robertson Blvd. Los Angeles CALIFORNIA 90035
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLYCEMIC" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110228.
Renewal	1ST RENEWAL 20110228
Live/Dead Indicator	LIVE

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SALT BALANCE

Word Mark	SALT BALANCE
Goods and Services	IC 030. US 046. G & S: Salt; Seasonings. FIRST USE: 20070301. FIRST USE IN COMMERCE: 20070301
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78937651
Filing Date	July 26, 2006
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 3, 2007
Registration Number	3403538
Registration Date	March 25, 2008
Owner	(REGISTRANT) Morton International, Inc. CORPORATION INDIANA 123 North Wacker Drive Chicago ILLINOIS 606061743
	(LAST LISTED OWNER) MORTON SALT, INC. CORPORATION DELAWARE 123 N. WACKER DRIVE CHICAGO ILLINOIS 60606
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Bradley L. Cohn
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SALT" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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EXHIBIT E-9



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Word Mark	ESSENTIAL BALANCE
Goods and Services	IC 029. US 046. G & S: blend of nut and vegetable oils. FIRST USE: 19960810. FIRST USE IN COMMERCE: 19960810
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74679631
Filing Date	May 24, 1995
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	March 26, 1996
Registration Number	2058099
Registration Date	April 29, 1997
Owner	(REGISTRANT) Omega Nutrition U.S.A. Inc. CORPORATION WASHINGTON 6515 Aldrich Road Bellingham WASHINGTON 98226
Prior Registrations	1725988
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070611.
Renewal	1ST RENEWAL 20070611
Live/Dead Indicator	LIVE

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Word Mark	BALANCE
Goods and Services	IC 030. US 046. G & S: breakfast cereal. FIRST USE: 19970904. FIRST USE IN COMMERCE: 19970904
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75245401
Filing Date	February 21, 1997
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 7, 1997
Registration Number	2171979
Registration Date	July 7, 1998
Owner	(REGISTRANT) Malt-O-Meal Company CORPORATION MINNESOTA 2600 IDS Center 80 South 8th Street Minneapolis MINNESOTA 55402
	(LAST LISTED OWNER) MOM BRANDS COMPANY CORPORATION MINNESOTA 20802 Kensington Blvd Lakeville MINNESOTA 55044
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JOHN A CLIFFORD
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080102.
Renewal	1ST RENEWAL 20080102
Live/Dead Indicator	LIVE

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BALANCE

Word Mark	BALANCE
Goods and Services	IC 032. US 045 046 048. G & S: BOTTLED WATER, MINERAL WATER, STILL WATER, AND AERATED WATER
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	76645195
Filing Date	August 18, 2005
Current Basis	44E
Original Filing Basis	44D
Published for Opposition	July 10, 2007
Registration Number	3296020
Registration Date	September 25, 2007
Owner	(REGISTRANT) Harrison Burnet Pty Ltd. COMPANY AUSTRALIA 17 Calvert Avenue Killara NSW 2071 AUSTRALIA
	(LAST LISTED OWNER) Balance Water Worldwide Pty Ltd. CORPORATION AUSTRALIA 35 Buckingham Street, Suite 209 Surry Hills, NSW 2010 AUSTRALIA
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Gregory P. Gulia
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Word Mark BALANCED NATURALS

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Edible dietary supplements, topical dietary supplements, and food supplements. FIRST USE: 20070906. FIRST USE IN COMMERCE: 20071114

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77333376

Filing Date November 19, 2007

Current Basis 1A

Original Filing Basis 1A

Published for Opposition December 2, 2008

Registration Number **3574732**

Registration Date February 17, 2009

Owner (REGISTRANT) Windhawk Inc. CORPORATION DELAWARE Ste. 3 49 S. Sycamore St. Mesa ARIZONA 85202

Attorney of Record Rakesh M. Amin

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NATURALS" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark CHOLESTEROL BALANCE

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Dietary and nutritional supplements. FIRST USE: 20030606. FIRST USE IN COMMERCE: 20030606

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85109684

Filing Date August 17, 2010

Current Basis 1A

Original Filing Basis 1A

Published for Opposition December 14, 2010

Registration Number **3925693**

Registration Date March 1, 2011

Owner (REGISTRANT) Futurebiotics, LLC LIMITED LIABILITY COMPANY NEW YORK 70 Commerce Drive Hauppague NEW YORK 11788

Attorney of Record Jay H. Geller

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHOLESTEROL" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

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EMERALD BALANCE NUTRITIONAL SUPPORT

Word Mark	EMERALD BALANCE NUTRITIONAL SUPPORT
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Dietary food supplements; Dietary supplemental drinks; Dietary supplements; Food supplements, namely, anti-oxidants; Herbal supplements; Nutraceuticals for use as a dietary supplement; Nutritional supplements; Powdered nutritional supplement drink mix. FIRST USE: 20040601. FIRST USE IN COMMERCE: 20040601
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78707543
Filing Date	September 6, 2005
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 22, 2006
Registration Number	3167953
Registration Date	November 7, 2006
Owner	(REGISTRANT) Spirit Garden, LLC LIMITED LIABILITY COMPANY NEVADA 2225 Faraday Avenue, Suite E Carlsbad CALIFORNIA 92008
	(LAST LISTED OWNER) SGN ACQUISITION COMPANY LIMITED LIABILITY COMPANY CALIFORNIA 6351 YARROW DRIVE CARLSBAD CALIFORNIA 92011
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Calif Tervo
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NUTRITIONAL SUPPORT" APART FROM THE MARK AS SHOWN

Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Word Mark	HEALTHY BALANCE
Goods and Services	IC 032. US 045 046 048. G & S: low-carbohydrate fruit juice. FIRST USE: 20040100. FIRST USE IN COMMERCE: 20040100
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	77773451
Filing Date	July 2, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 6, 2010
Registration Number	3849379
Registration Date	September 21, 2010
Owner	(REGISTRANT) Old Orchard Brands LLC LIMITED LIABILITY COMPANY MICHIGAN 1991 Twelve Mile Road Sparta MICHIGAN 49345
Attorney of Record	Thomas L. Lockhart
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HEALTHY" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the words "healthy balance". The term "healthy" appears above the term "balance". Each term is written in stylized font of pooper black and each arches slightly upward from left to right.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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SIMPLY BALANCED

Word Mark	SIMPLY BALANCED
Goods and Services	IC 030. US 046. G & S: Food and beverage products in the class, namely, frozen, prepared and packaged entrees consisting primarily of pasta or rice; pasta; rice; tortillas; breads; pizza; oatmeal; breakfast cereals; crackers. FIRST USE: 20090809. FIRST USE IN COMMERCE: 20090809
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77979847
Filing Date	June 20, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	March 17, 2009
Registration Number	3833070
Registration Date	August 10, 2010
Owner	(REGISTRANT) Target Brands, Inc. CORPORATION MINNESOTA 1000 Nicollet Mall Minneapolis MINNESOTA 55403
Attorney of Record	Target Brands, Inc.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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SIMPLY BALANCED

Word Mark	SIMPLY BALANCED
Goods and Services	IC 029. US 046. G & S: Food and beverage products in the class, namely; frozen, prepared and packaged entrees and meals consisting primarily of meat, fish, poultry or vegetables; frozen prepared and packaged vegetable-based entrees; processed and canned beans; chili; soup and soup mix. FIRST USE: 20090809. FIRST USE IN COMMERCE: 20090809
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77980198
Filing Date	June 20, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 28, 2008
Registration Number	3865915
Registration Date	October 19, 2010
Owner	(REGISTRANT) Target Brands, Inc. CORPORATION MINNESOTA 1000 Nicollet Mall Minneapolis MINNESOTA 55403
Attorney of Record	Target Brands, Inc.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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SIMPLY BALANCED

Word Mark	SIMPLY BALANCED
Goods and Services	IC 029. US 046. G & S: Food and beverage products in the class, namely, dried and preserved fruits; fruit-based snack foods; potato chips and potato-based snack foods. FIRST USE: 20090809. FIRST USE IN COMMERCE: 20090809
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77504210
Filing Date	June 20, 2008
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 28, 2008
Registration Number	4115211
Registration Date	March 20, 2012
Owner	(REGISTRANT) Target Brands, Inc. CORPORATION MINNESOTA 1000 Nicollet Mall Minneapolis MINNESOTA 55403
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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SLIM BALANCE

Word Mark	SLIM BALANCE
Goods and Services	IC 030. US 046. G & S: Dried Processed Herbs and Tea. FIRST USE: 20111130. FIRST USE IN COMMERCE: 20111130
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85506682
Filing Date	December 30, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 1, 2012
Registration Number	4175696
Registration Date	July 17, 2012
Owner	(REGISTRANT) Gonzalez, Jose INDIVIDUAL UNITED STATES 3345 E. Slauson Avenue Vernon CALIFORNIA 90058
Attorney of Record	Natan Epstein
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Thyro-Balance

Word Mark

THYRO-BALANCE

Goods and Services

IC 005. US 006 018 044 046 051 052. G & S: dietary and nutritional beverage and food additive supplements, namely, additives in the form of liquid drops; dietary beverage additive supplements for human consumption in liquid drop form for therapeutic purposes; liquid nutritional additive supplement in drop form; nutritional additives for medical purposes for use in foods and in dietary supplements for human consumption; vitamin and mineral additive supplements for adding to foods and beverages. FIRST USE: 20000401. FIRST USE IN COMMERCE: 20000401

Standard Characters Claimed
Mark Drawing Code

(4) STANDARD CHARACTER MARK

Trademark Search Facility Classification Code

NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
SHAPES-MISC Miscellaneous shaped designs

Serial Number

77697640

Filing Date

March 24, 2009

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

July 21, 2009

Registration Number

3823699

Registration Date

July 27, 2010

Owner

(REGISTRANT) Mind Mine LIMITED LIABILITY COMPANY ARIZONA 4142 E. 5th Street Tucson ARIZONA 85711

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead

LIVE

Indicator

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BALANCE 74

Word Mark

BALANCE 74

Goods and Services

IC 005. US 006 018 044 046 051 052. G & S: Dietary and nutritional supplements, namely, vitamins; nutritional supplements in the nature of alkaline blend tablets; dietary supplements for the enhancement of progesterone, namely, topically applied progesterone cream; iodine solution for pharmaceutical purposes; dietary and nutritional beverage supplements for human consumption in liquid form for therapeutic purposes in the nature of dietary supplement drinks, namely, drinking water containing dietary and nutritional beverage supplements. FIRST USE: 20120504. FIRST USE IN COMMERCE: 20120504

IC 041. US 100 101 107. G & S: Educational services, namely, conducting seminars and workshops in the field of nutritional and dietary needs; providing non-downloadable webinars in the field of nutritional and dietary needs; providing live and on-line classes and tutorials in the field of nutritional and dietary needs; educational and entertainment services, namely, providing motivational speakers and educational speakers in the field of nutritional and dietary needs; providing integrated business training and coaching in the field of nutritional and dietary needs. FIRST USE: 20120401. FIRST USE IN COMMERCE: 20120401

Standard Characters Claimed
Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 85619703

Filing Date May 8, 2012

Current Basis 1A

Original Filing Basis 1A

Registration Number 4434063

Registration Date November 12, 2013

Owner (REGISTRANT) Balance 74, LLC LIMITED LIABILITY COMPANY MICHIGAN 80850 Main St. Memphis MICHIGAN 48041

Attorney of Record Denise M. Glassmeyer

Type of Mark TRADEMARK. SERVICE MARK

Register SUPPLEMENTAL
Live/Dead
Indicator **LIVE**

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Word Mark	BALANCED WOMAN
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements. FIRST USE: 20020617. FIRST USE IN COMMERCE: 20020617
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85561349
Filing Date	March 6, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 1, 2013
Registration Number	4356355
Registration Date	June 25, 2013
Owner	(REGISTRANT) TRIVITA, INC. CORPORATION ARIZONA 16100 N. Greenway Hayden Loop, Ste. 950 Scottsdale ARIZONA 852601209
Attorney of Record	Adam R. Stephenson
Prior Registrations	2959857
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WOMAN" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Balance Factor

Word Mark	BALANCE FACTOR
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Vitamin supplements. FIRST USE: 20110614. FIRST USE IN COMMERCE: 20110614
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85349328
Filing Date	June 17, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 8, 2011
Registration Number	4090745
Registration Date	January 24, 2012
Owner	(REGISTRANT) Armando Villanueva DBA Balance Factor INDIVIDUAL UNITED STATES #1 1416 N. Vista Los Angeles CALIFORNIA 90046
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	BALANCE FACTOR
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Vitamin supplements. FIRST USE: 20110614. FIRST USE IN COMMERCE: 20110614
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.07.05 - Globes held by a human 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures 02.09.14 - Dancing, humans; Humans, including men, women and children, depicted dancing 04.07.03 - Geometric figures or combinations of geometric figures representing a person; Geometric figures representing a person; Geometric shapes forming a person; Person formed by geometric shapes 05.01.04 - Vines 26.03.21 - Ovals that are completely or partially shaded 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
Serial Number	85349158
Filing Date	June 17, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 8, 2011
Registration Number	4090736
Registration Date	January 24, 2012
Owner	(REGISTRANT) Armando Villanueva DBA Balance Factor INDIVIDUAL UNITED STATES #1 1416 N. Vista Los Angeles CALIFORNIA 90046
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the words "BALANCE FACTOR" in stylized font separated by a stylized drawing of a human figure in a dance pose holding the earth encircled by a vine.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

Indicator

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Word Mark	BALANCE
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical and medical preparations for the treatment of gastrointestinal disorders; preparations for the treatment of diarrhea; preparations for the treatment of constipation; preparations for the cleansing of the gastrointestinal tract; nutritional preparations and supplements
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men 26.11.21 - Rectangles that are completely or partially shaded 27.03.02 - Humans forming letters or numerals; Humans forming punctuation
Trademark Search Facility Classification Code	HUM Accurate representation of a human form, or any portion of a human form SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons
Serial Number	77304843
Filing Date	October 16, 2007
Current Basis	44E
Original Filing Basis	44D
Published for Opposition	October 28, 2008
Registration Number	3559685
Registration Date	January 13, 2009
Owner	(REGISTRANT) Colocaps Pty Ltd. CORPORATION AUSTRALIA St. John of God, Health Care Suite 212/25 McCourt Street Subiaco AUSTRALIA 6008
Attorney of Record	Gregory N. Clements
Priority Date	June 13, 2007
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BALANCE" APART FROM THE MARK AS SHOWN

Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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BALANCE³

Word Mark	BALANCE3
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: herbal dietary supplement. FIRST USE: 19960400. FIRST USE IN COMMERCE: 19960400
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	76471887
Filing Date	November 15, 2002
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 20, 2004
Registration Number	2831479
Registration Date	April 13, 2004
Owner	(REGISTRANT) Kershenstine, Timothy Jr. INDIVIDUAL UNITED STATES 3731 W Grandlake Blvd. Kenner LOUISIANA 70065
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR). SECTION 8(10-YR) 20140409.
Renewal	1ST RENEWAL 20140409
Live/Dead Indicator	LIVE

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ESTROBALANCE**Word Mark** ESTROBALANCE**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: Dietary and nutritional supplements. FIRST USE: 20031107. FIRST USE IN COMMERCE: 20031107**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 76060709**Filing Date** May 30, 2000**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** April 10, 2001**Registration Number** 2840590**Registration Date** May 11, 2004**Owner** (REGISTRANT) Enzymatic Therapy CORPORATION WISCONSIN 825 Challenger Dr. Green Bay WISCONSIN 54311

(LAST LISTED OWNER) Enzymatic Therapy, LLC LIMITED LIABILITY COMPANY WISCONSIN 825 Challenger Drive Green Bay WISCONSIN 54311

Assignment Recorded ASSIGNMENT RECORDED**Attorney of Record** Kevin T. Grzelak**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20140329.**Renewal** 1ST RENEWAL 20140329**Live/Dead Indicator** LIVE
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Record 1 out of 1[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	COMPLETE, BALANCED NUTRITION
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: liquid or powder nutritive supplements for human use. FIRST USE: 19890331. FIRST USE IN COMMERCE: 19890331
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74712393
Filing Date	August 7, 1995
Current Basis	1A
Original Filing Basis	1A
Date Amended to Current Register	September 16, 1996
Registration Number	2082582
Registration Date	July 22, 1997
Owner	(REGISTRANT) Abbott Laboratories CORPORATION ILLINOIS 100 ABBOTT PARK ROAD Abbott Park ILLINOIS 60064-600
Attorney of Record	MARY L. WINBURN
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BALANCED NUTRITION" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Affidavit Text	SECT 8 (6-YR). SECTION 8(10-YR) 20071013.
Renewal	1ST RENEWAL 20071013
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark METABALANCE 44**Goods and Services** IC 005. US 018. G & S: VITAMINS AND HERBAL DIETARY SUPPLEMENTS. FIRST USE: 19821001. FIRST USE IN COMMERCE: 19821001**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 73564528**Filing Date** October 23, 1985**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** February 25, 1986**Registration Number** 1393763**Registration Date** May 20, 1986**Owner** (REGISTRANT) SUNRIDER CORPORATION, THE DBA SUNRIDER INTERNATIONAL CORPORATION
UTAH 1625 ABALONE AVE TORRANCE CALIFORNIA 90501**Attorney of Record** M. IRIS HESS**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060605.**Renewal** 1ST RENEWAL 20060605**Live/Dead Indicator** LIVE
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Metabo Balance

Word Mark	METABO BALANCE
Goods and Services	IC 030. US 046. G & S: Teas and tea based beverages. FIRST USE: 20110531. FIRST USE IN COMMERCE: 20110531
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85733541
Filing Date	September 20, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 20, 2013
Registration Number	4427797
Registration Date	November 5, 2013
Owner	(REGISTRANT) Celestial Seasonings, Inc. CORPORATION DELAWARE 4600 Sleepytime Drive Boulder COLORADO 80301
Prior Registrations	1002970;1252373;3215419;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Swiss Balance

Word Mark	SWISS BALANCE
Goods and Services	IC 030. US 046. G & S: Breakfast cereals of Swiss origin. FIRST USE: 20090101. FIRST USE IN COMMERCE: 20090101
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77677566
Filing Date	February 24, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 16, 2009
Registration Number	3904906
Registration Date	January 11, 2011
Owner	(REGISTRANT) Bio-Familia AG CORPORATION SWITZERLAND Brunigstrasse 141, CH-6072 Sachseln SWITZERLAND
Attorney of Record	Robert Van Maerssen, Esq.
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SWISS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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BODY BALANCE

Word Mark BODY BALANCE
Goods and Services IC 005. US 006 018 044 046 051 052. G & S: nutritional and dietary supplements. FIRST USE: 19820700. FIRST USE IN COMMERCE: 19840600
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75247374
Filing Date February 25, 1997
Current Basis 1A
Original Filing Basis 1A
Published for Opposition April 4, 2000
Registration Number 2361008
Registration Date June 27, 2000
Owner (REGISTRANT) Doctor's Signature Sales & Marketing International Corp. CORPORATION NEVADA 12460 Kirkham Court Poway CALIFORNIA 920646819
Attorney of Record David J. Hurley
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100622.
Renewal 1ST RENEWAL 20100622
Live/Dead Indicator LIVE

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BETTER BALANCE

Word Mark	BETTER BALANCE
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: line of vitamin and nutritional supplements. FIRST USE: 20030901. FIRST USE IN COMMERCE: 20030901
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78347040
Filing Date	December 31, 2003
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 12, 2004
Registration Number	2916468
Registration Date	January 4, 2005
Owner	(REGISTRANT) Biobalance International, Inc. CORPORATION NEVADA 1608 Michael Lane Pacific Palisades CALIFORNIA 90272
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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